Remarks

The present paper is in response to the non-final Office Letter mailed in the above-referenced case on November 10, 2003. In the action the Examiner has rejected claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite. Further the Examiner has essentially maintained his previous rejection of maintained claims 1-20 (all claims) over Song in view of Bronte, both of record; and has added another reference Gamache, US 5,202,991, hereinafter Gamache.

In response to the 112 rejection, the applicant has to register some surprise. The same Examiner has considered this same claim twice previously and issued apparently thoughtful rejections relying on portions of the references of record to anticipate the elements of the claim. If the claim was clear enough on these previous occasions to the Examiner, as a skilled artisan, how did it now become indistinct? The claim did not change.

Claim 1 is a system claim by the Examiner's own admission, having treated the claim as a system claim twice before with no objection as to lack of clarity, and again in this action. The preamble language directing use of the system for minimal-memory controllers need not be related to any specific element in the further claim language, as the direction is not itself a limitation. If the applicant were to suggest that it were, the Examiner would certainly not give it patentable weight. So the applicant has amended claim 1 herein to remove the directional language. The claim stands alone quite nicely without it.

Applicant's undersigned agent on behalf of the applicant, and the

Examiner had a telephone conference on Thursday, July 31, in which the applicant's agent pointed out that the restriction in claims 1 and 11, the independent claims, of context switching being *restricted and constrained* to the task level, and not being allowed to occur at other levels, is not really taught in Bronte, which teaches, much like other operating systems, that context switching is *allowed* at task level, but also at many other levels. The central issue being, that the *restriction* provides for a much smaller RAM requirement for a device using the RTOS, and therefore extends the usage of an RTOS into many devices that previously could not use a RTOS.

The applicant presumes the Examiner now has accepted the argument that Bronte does **not** teach restricting context switching to task level only, as claimed, because the Examiner has now added Gamache to allegedly teach this claimed feature. However, Gamache <u>does not teach</u> restricting context switching to task level any more than Bronte does. The language of Gamache relied upon by the Examiner in column 1, lines 37-41 "Generally, when a processor is blocked from working in a critical region having a given interrupt priority level, the blocked processor may service only other tasks having higher interrupt priority levels." Says <u>nothing whatever</u> about restricting context switching to only occur at task level.
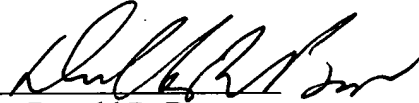
All of the references cited by the examiner seem to forget that "context switch at the task level" (the references) and "context switch **only** at the task level" as claimed in the present claims **are not the same thing**. The claim language **precludes** the claimed processor from ever allowing context switching at other levels, and therefore **cannot read** on the references the Examiner keeps bringing to the discussion.

Accordingly, the applicant prays for a conference with the Examiner and his supervisor, to include the applicant's undersigned representative and the inventor Andrew Kalman, to be held at a time of convenience for the Office, to settle this matter. The applicant is willing to consider other language if the Examiner can show that there is somehow some overlap between the language of the references and the claim language. Otherwise, the claims need to be allowed and the case passed quickly to issue.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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